

The true meaning of law. Rediscovered.

Minnesota State Bar Association Report on

Pro Bono Legal Service

June 2007





Greetings,

I'm proud to share with you the first pro bono report published by the Minnesota State Bar Association. I join Chief Justice Russell Anderson and Legal Assistance to the Disadvantaged Committee Co-chairs Patrick Burns and Katie Trotzky in saluting the many attorneys who have readily given their time to help so many people across the state.

The report's theme is "Rediscover the True Meaning of Law" and this phrase invites several responses. In my role as a bar leader, I often remind others that attorneys have a unique position in our society. We are first and foremost advocates for a client's cause but we are also equipped with the education that allows us to guide others through the legal system. While this system is built upon the fundamental principles of justice, fairness, and liberty, it is not always easy to navigate or understand. By helping a client gain custody of a child, stave off an eviction, or receive benefits necessary to support the basic needs of life, attorneys create the possibility for a positive outcome—a life-changing outcome, even, in many cases.

Pro bono service meets a professional aspiration but it is just as often the product of an individual's personal belief system. Because we all have different interests, skills, and values, our pro bono service takes many shapes and forms. A few attorneys spend years representing clients on death row. Others help nonprofit organizations comply with the law so they can focus on serving their constituents. Some obtain orders for protection so women can escape domestic violence. And many volunteer at legal clinics week in and week out to provide advice on any number of legal questions that come through the door. The opportunities are plentiful because the need for assistance is so great. And while it's true that sometimes other obligations make it difficult to do pro bono work, you do it anyway. Every action makes a difference.

Although we recognize that thousands of hours are directed toward pro bono service each year, we also realize that we cannot ever know the full extent of the profession's commitment to volunteerism, the daily acts of selflessness and kindness. Surveys and reports like this one only tell us part of the story. Still, I hope that the information provided here encourages you to continue volunteering or inspires you to help. We hope you will not only rediscover the true meaning of law, but continually strive to realize that meaning in all of the work that you do.

Patrick J. Kelly MSBA President 2006-07

Participants

Aafedt, Forde, Gray, Monson & Hager

Anonymous*

Barna, Guzy Steffan

Best & Flanagan

Stephen Betcher, Goodhue County Attorney

Black, Moore, Bumgardner, Magnussen

William Bodensteiner

Barbara Brekke, Brekke, Clyborne & Ribich

Patrick Burns, Office of Lawyers Professional Responsibility

Ann Cohen

Mark Condon, Johnson & Condon

Conlin Law Firm (Thomas J. Conlin)

DePaul Willette

Dorsey & Whitney

Richard C. Emery

Henry K. Evans

Faegre & Benson

Felhaber Larson Fenlon & Vogt

Fredrikson & Byron

Fryberger, Buchanon, Smith & Frederick

Fulbright & Jaworski

Gray Plant Mooty

Halleland Lewis Nilan & Johnson

Hanson Lulic & Krall

Law Offices of Michael D. Harnois

Marcy Harris, Community Action Partnership of Suburban Hennepin

John E. (Jack) Hennen

Beverly Jones Heydinger, Administrative Law Judge

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Gail T. Kulick, Kulick Law Office

Julie T. La Fleur, La Fleur Law Office

Ted Landwehr, Landwehr Law Offices

Larson King

Leonard, Street & Deinard

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Livesay Law Office (Louise Livesay)

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Larry C. Lucht, Lucht Law Offices

Steven Lundeen, Lundeen Law Offices

Law Office of Katherine L. MacKinnon

Maslon Edelman Borman & Brand

Mayo Clinic

Messerli & Kramer

Niles Law Office (Donald W. Niles)

Ann O'Reilly, Levander, Gillen & Miller

Oppenheimer Wolff & Donnelly

Quinlivan & Hughes

Rinke Noonan

Robins, Kaplan, Miller & Ciresi

Rosenmeier, Anderson & Vogel

Law Office of Jeffrey R. Sprinkel

St. Peter Law Offices (Peter L. St. Peter)

Laura Stone-Jeraj

Michele L. Timmons, Office of the Revisor of Statutes

U.S. Bancorp

Cynthia Vermeulen, Vermeulen Law Office

Eileen Wells, City of Mankato

Linda Wold

* Many survey respondents elected to remain anonymous or did not indicate a preference for a listing in the report.

Participating Organizations

Central Minnesota Legal Services provides civil legal services to low-income persons in 21 counties, with a focus on the basic legal needs of families and children vulnerable to abuse, violence, neglect, homelessness or major economic disruptions. 612.332.8151 (Minneapolis); 320.253.0138 (St. Cloud); 320.235.7662 (Willmar); centralmnlegal.org

Centro Legal provides bi-lingual and bi-cultural civil legal services in immigration, naturalization, citizenship, family law, domestic violence, child abuse/neglect, housing, employment, consumer, and government benefits. 651.642.1890; centro-legal.org

Children's Law Center works with pro bono attorneys to provide representation for children in foster care and state ward cases, primarily in Hennepin and Ramsey counties. Volunteers are provided with training and case consultation by CLC staff. 651.644.4438; clcmn.org

Chrysalis provides a range of legal services and resources to women to provide assistance with family, GLBT, and employment law concerns. The Pro Bono Safety Project works with law firms and domestic abuse agencies to provide representation and supportive services to low-income women seeking orders for protection against their abusers. 612.871.0118; chrysaliswomen.org

Immigrant Law Center provides legal services to low-income immigrants. It is the only legal program in Minnesota to provide free comprehensive immigration services to low-income persons of all nationalities. 651. 641.1011; ilcm.org

Innocence Project of Minnesota is a private, volunteer-based organization providing pro bono investigative and legal assistance to prisoners in Minnesota, North Dakota, and South Dakota who are trying to prove their innocence. 651.523.3152; ipmn.org

Judicare of Anoka County provides legal services to low-income residents of the county in civil matters, including family law, domestic abuse, administrative law, housing, and public benefits. Private attorneys provide representation on a reduced fee or volunteer basis. 763.783.4970

Legal Aid Service of Northeastern Minnesota provides free legal advice and representation to low-income people living in Northeastern Minnesota. Its services help prevent domestic abuse, promote family security and help families retain safe and affordable housing. LASNEM has offices in Brainerd, Duluth, Grand Rapids, Pine City, and Virginia. 218.726.4800; lasnem.org

Legal Assistance of Dakota County provides legal assistance to indigent residents. The primary area of representation is family law, however occasional assistance by volunteers is also needed in administrative law, housing, consumer, and tort defense cases. 952. 431.3200; dakotalegal.org

Legal Assistance of Olmsted County provides civil legal services to low-income residents in family law, tenants' rights, government benefits, and employment, among others. 507.287.2036; laocmn.org

Legal Assistance of Washington County provides free legal representation and advice to low-income residents and families in civil cases, primarily family, consumer, and housing matters. 651.351.7172

LegalCORPS provides legal assistance to small nonprofits with budgets under \$200,000 and small businesses operated by low-income persons located throughout Minnesota. 612.752.6678; legalcorps.org

Legal Rights Center provides legal representation at no charge to low income people and people of color in Hennepin County who have legal problems associated with the juvenile justice, criminal justice, and child welfare systems. 612.337.0030; legalrightscenter.org

Legal Services of Northwest Minnesota serves low-income and elderly persons in 22 northwestern Minnesota counties through three-staffed offices in Bemidji, Alexandria Moorhead and Thief River Falls, and over 230 private Judicare attorneys. Priority cases include those critical to life, health, safety, shelter, and basic subsistence income. 218.223.8585 (Moorhead office); Isnmlaw.org

M.A.O. Legal Services at Volunteers of America-Minnesota assists individuals with disabilities or over the age of 55 at a subsidized rate. Attorneys provide services in the areas of estate planning, probate, guardianship, conservatorship, special needs trusts, medical assistance planning, and real estate matters. 612.676.6300; yoamn.org

MAP for Nonprofits offers a variety of services to nonprofit organizations including legal consultation. Legal expertise, provided by staff and volunteer attorneys, is available in all areas of managing or starting a nonprofit. 651.647.1216; mapfornonprofits.org

Mediation Services for Anoka County

helps families, neighborhoods, schools, landlords, tenants, and businesses manage and resolve conflict through education and conflict resolution services provided by professionally trained volunteer mediators. 763.422.8878; mediationservice.org Mid-Minnesota Legal Assistance provides civil legal services to low-income and elderly clients in 20 central Minnesota counties through three member corporations: Legal Aid Society of Minneapolis, St. Cloud Area Legal Services, and Western Minnesota Legal Services. MMLA also includes the Minnesota Disability Law Center (statewide service), the Legal Services Advocacy Project, and the Minnesota State Support Center. 612.332.1441 (Minneapolis office); midmnlegal.org

Minnesota Advocates for Human Rights is dedicated to the promotion and protection of internationally recognized human rights. The legal services program provides free immigration legal services to indigent asylum seekers as well as provides brief consultation and representation to immigration detainees, among other services. 612.341.3302; mnadvocates.org

Minnesota AIDS Project The Legal Services Program at MAP provides legal assistance to individuals who have HIV. Services include direct representation by staff or a volunteer attorney when the legal issue is directly related to the client's HIV status. Cases include public benefits, estate planning, employment, confidentiality, immigration, and discrimination. 612.341.2060; mnaidsproject.org

Southern Minnesota Regional Legal Services provides free legal advice and representation to

provides free legal advice and representation to low-income people in 33 southern Minnesota counties. Priorities include public benefits, housing, and protection from domestic abuse. SMRLS projects focus on education law, senior law, fair housing and discrimination, citizenship and youth victims of domestic violence. SMRLS offices are in St. Paul, Albert Lea, Mankato, Rochester, Shakopee, Winona, and Worthington. 651.222.5863 (St. Paul Central Office); ww.smrls.org

Tobacco Law Center, based at William Mitchell College of Law, provides assistance to local officials, community groups, and others in Minnesota, helping them address issues of tobacco and health. 651.290.7515; tobaccolawcenter.org

Volunteer Attorney Program serves several counties in northeastern Minnesota and provides representation to low-income persons in all areas of civil law, and nonprofit organizations. 218.723.4005; volunteerattorney.org

Volunteer Lawyers Network provides free civil legal services to low-income persons, including full representation, brief services, legal advice (in person and by telephone) and outreach. VLN primarily serves Hennepin County but also provides bankruptcy and federal pro se services statewide. 612.752.6677; volunteerlawyersnetwork.org

he MSBA has prepared this first Pro Bono Report to begin uncovering and analyzing the nature and amount of pro bono legal services to the disadvantaged in Minnesota. We plan to present a report every two years. Our primary tool was a survey, developed by MSBA staff in consultation with a volunteer advisory committee comprised of representatives from law firms, legal services, and pro bono programs. The advisory group members have graciously given their time and thoughtfulness to all aspects of the report, and we are grateful for their participation. We distributed surveys designed specifically for large law firms, small and medium firms, legal aid and pro bono organizations, public lawyers, corporate counsel, and law school clinics. The list of all survey respondents, except for those requesting anonymity, is in the report.

We have not attempted, and could not have accomplished without significant resources, a statistically valid survey that accurately tallies the amount of pro bono services or the number of lawyers providing such services. There is no uniform system for tracking pro bono services in Minnesota, and in the absence of some kind of centralized reporting, that is unlikely to change. Some lawyers and firms keep precise time records, and some do not track pro bono time at all. Much pro bono is performed through legal aid and pro bono organizations. Those organizations try to record volunteer hours, but are dependent on the reports they receive from their volunteers. These reports are critical for funding purposes; many grant makers require detailed statistics about program services. The programs. therefore, must focus on the number of cases closed and clients served. In addition to likely undercounting due to these circumstances, some hours are double counted if some pro bono service is counted both by the lawyer and by the legal aid or pro bono program the lawyer volunteered through. The statistics presented in this report are not precise but instead function as a useful indicator of the work being done, a working sketch, which will hopefully give you a sense of the scope and nature of pro bono legal services in Minnesota. This is a starting point for future reports. We hope it will make you proud of the legal profession, and inspired to increase your own pro bono service.

Call to Honor, by the Numbers

In 2003, MSBA President James Baillie issued a "Call to Honor," asking attorneys to donate their time to pro bono and "make a difference." During his year as president over 650 new attorneys took on cases and served more than 5,600 new pro bono clients. The success of this initiative demonstrated the unwavering commitment of the Minnesota legal community to improving access to justice. The survey results gathered by the MSBA may represent only a portion of the pro bono service in Minnesota but nonetheless show that the MSBA's call continues to be answered in many different ways by attorneys throughout the state.

Legal Services and Pro Bono Programs

In 2006 legal services and pro bono programs participating in our survey reported more than 330 new volunteers on their rosters. The volunteers - who were new to the programs but may or may not have done pro bono before - combined to provide well over 26,000 pro bono hours and closed more than 13,800 cases. Judicare attorneys, who provide a combination of low fee and pro bono assistance primarily in greater Minnesota (where there are fewer attorneys but still a very significant need), contributed over 12,000 hours of service. The top five types of cases handled by volunteer and judicare attorneys in 2006 were family, consumer, housing, immigration, and employment.

In 2006, the survey respondents reported that staff attorneys in legal services and pro bono programs closed more than 38,000 cases. This is indeed significant work but even the combined efforts of staff and volunteers do not come close to meeting existing needs, particularly in the areas of family, housing and consumer law. Overall, programs maintain an average of about three waiting lists and the average waiting period is almost three and a half months. The average number of persons waiting on a list is 24, although some individual programs report family law waiting lists as high as 65 persons. While the commitment to serve these clients is high, the lack of resources guarantees that immediate service is unlikely, except in emergency situations such as those involving domestic violence or eviction. Staff and

volunteer attorneys in legal services and pro bono programs must often perform triage with regard to case priorities, much as doctors do in emergency rooms.

Large Law Firms and Corporate Counsel

Large law firms participate in pro bono in a variety of ways. Many receive referrals through their own community outreach or from legal services or pro bono programs. The increasing number of partnerships between law firms and corporate counsel are also a successful means of serving pro bono clients. The large law firms participating in the MSBA survey reported that their pro bono service hours numbered in the tens of thousands in 2006, with more than 560 attorneys contributing 50 or more pro bono hours, resulting in an average of over 38 pro bono hours per attorney. This activity includes volunteering with local legal services and pro bono programs. Law firms also engage other staff such as clerks, paralegals or administrative assistants in pro bono service. The survey respondents reported that more than 440 staff members assisted with pro bono cases, contributing well over 13,600 hours of time. Aside from handling the more common legal issues, access to significant resources also allows firms to engage in more unique pro bono representation such as death penalty defense, Guantanamo defense, and class actions. The top five types of cases handled by large law firm attorneys in 2006 were consumer, domestic violence, family law, human rights, and nonprofit organizations.

Corporate counsel offices are becoming increasingly involved in pro bono activities. Some, as mentioned above, are partnering with law firms on pro bono projects while others turn to local pro bono and legal services programs. Although the survey did not receive many responses from corporate counsel this is an area recognized for its growth and service potential for pro bono assistance.

Small Firms/Solo Practice

This group may be the most underrepresented of all in the survey because while many small firms and solo practitioners do not record details of their pro bono, they provide many volunteer services. Some do not have the time or technical support to track their services; others simply take on a pro bono case and do not do any formal accounting. Many of the most active volunteers in legal services and pro bono programs are sole practitioners or come from small offices, particularly in greater Minnesota. These attorneys know their local pro bono coordinator well and at least two stated that they provide pro bono services to their church. Some survey respondents stated that while they did not do much pro bono they do offer "low bono" services and "reasonable payment plans" in order to provide needed services while sustaining their practices. Of the survey respondents, 32 contributed more than 50 hours of pro bono in 2006 and on average these attorneys

contributed more than 72 hours each. Total pro bono hours of all small firms and solos reporting to the survey was about 3,600. The survey respondents also reported that 21 clerks, paralegals and administrative assistants offered support for a total of 632 pro bono hours.

Public Lawyers

Pro bono for public lawyers presents somewhat of a grey area. According to the survey results, some are prohibited outright from taking pro bono cases or do not participate because of either an actual or perceived conflict of interest. Some public lawyers are allowed to provide administrative support to legal services and pro bono organizations, lead trainings, judge mock trial competitions, participate on bar-related and other committees, and provide brief advice to clients. Some public lawyers volunteer in other ways in the community, so as not to incur professional liability or encounter a conflict of interest. A very small number of the public lawyers who responded to the survey are doing actual representation of clients on a pro bono basis. The MSBA's Public Law Section recently wrote a model Public Lawyer Pro Bono policy which was passed at the April 2007 MSBA Assembly meeting and is available upon request.



May 6 through 9, 2008, Minneapolis

The Equal Justice Conference, an annual event sponsored by the American Bar Association and the National Legal Aid and Defender Association, provides a forum for private attorneys, legal aid lawyers, volunteer attorney coordinators, judges, bar association staff, and others involved with providing legal services to the disadvantaged to come together for several days each year to share ideas about innovative programs and learn more about what's happening across the country. The most recent gathering had almost 1,000 attendees.

The 2008 conference will be at the Minneapolis Hilton May 6 through 9. The MSBA has endorsed hosting the event here, and president Patrick Kelly appointed bar members to a local host committee. Jim Baillie (Fredrickson & Byron) and Trudy Halla (Briggs and Morgan) chair the committee. The committee members represent all segments of Minnesota's legal community, including the courts, private law firms, legal aid providers, volunteer attorney programs, and all four Minnesota law schools. The host committee will suggest speakers, presenters, and workshop topics to the ABA/NLADA design committee; will work to maximize attendance of Minnesotans through recruitment and fundraising for scholarships; and will plan and host an exciting social event for attendees.

From the LAD Co-Chairs . . .

t's still out there. The "unmet need" is what we call it. What it really is is a lot of poor people all throughout the state that are facing legal problems on their own. Legal problems that go to the core of their existence and ability to survive – shelter, family, safety, and security. Maybe, without the help of a lawyer, justice will be done in any event. But the involvement of a lawyer who is working to do justice, motivated by the belief that justice should be available for all, is guaranteed to make a difference.

Over the last year the lawyers of Minnesota have demonstrated their professionalism time and again by devoting their energy and talents to providing pro bono publico services in an incredible variety of cases and in truly impressive numbers. There's the team of three attorneys who won asylum for a Tibetan refugee who had fled China after being imprisoned and tortured. There's the lawyer who stuck with a mother and her disabled children through a nasty divorce to make sure the children were well taken care of. There's the Housing Advocacy Team that initiated a class action to improve the living conditions of low income families living in two apartment buildings. And there are the many, many volunteers who provided advice, service, and representation to thousands of people involved in the day-to-day legal issues of divorces, guardianships, housing problems, bankruptcies, consumer problems, and more.

Last year thousands of lawyers and law students provided many thousands of hours of legal services to the poor, motivated only by what makes the practice of law a true profession – a desire to work for the good of society as a whole, not just for personal gain. All of these volunteers made a difference. Certainly they made a difference in the lives of the people they helped directly, but there's more to it than that. They made a difference in how the system of justice works. They not only changed lives, they helped ensure that the phrase "justice for all" has real meaning.

Try as they might though, not everyone could be served. Many programs still have waiting lists of clients looking for help. Some must wait for as long as three months for a lawyer to help with their family law, consumer, or housing problems. Some never get served. We can do better. We can make systemic changes to help make it easier to track and facilitate pro bono. We have asked the Supreme Court to change the CLE rules to allow for a limited amount of CLE credit for pro bono work. The MSBA just adopted a new version of the Model pro bono policy for government lawyers. We can try to make more uniform the factors considered in granting in forma pauperis status.

All of these things can and do help. But it only works when individual lawyers – the people reading this report and others – come to the understanding that using their talent, education, and experience to help those in need without regard to personal gain is the purest form of professionalism and an ample source of personal satisfaction.

Many lawyers, from firms large and small, many sole practitioners, and many law students came to understand that they can make a difference in the lives of their clients, in their own lives, and in society by volunteering last year. Many more are needed. Volunteers are needed in many areas of law. Lawyers don't necessarily have to practice outside their area of concentration to do pro bono work, but there is plenty of training and support available for those who do. The MSBA and the LAD Committee are going to continue to spread the word, to promote pro bono, and to work to make a difference. Join us, won't you?

Patrick Burns and Katie Trotzky 2006-07 Co-Chairs Legal Assistance to the Disadvantaged Committee

Thank You

We sometimes say that we couldn't keep the courts functioning without pro bono volunteers. And that's true. There simply aren't enough public defenders or legal aid attorneys to help all the people who need legal counsel, but can't afford to hire a private attorney.

But it's so much more than that, really. Pro Bono volunteers are an important part of how we keep the justice system just. It's one of the ways we level the legal playing field between those with means and the rest of society.

That's why it is especially gratifying to see an organization as influential in the justice system as the Minnesota State Bar Association surveying its members' pro bono efforts, and calling for an even larger effort in the future.

With caseloads growing in many areas of the law, and public resources limited, the need for pro bono assistance continues to grow. This report found that many pro bono and legal services programs have waiting lists as high as 65 persons, and waits as long as three months for clients needing help.

I want to congratulate the MSBA for its success in recruiting more attorneys to pro bono work, and its commitment to doing even more.

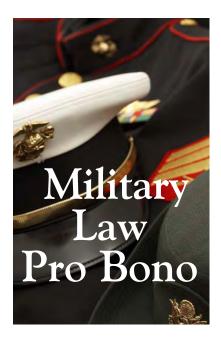
I want to make a special mention of the MSBA's Military Law Committee, which has offered pro bono attorney service to active duty, deployed and returning service members and their families. The need for this assistance will no doubt increase as 2,600 Minnesota Guard members stationed in Iraq and Afghanistan return to their homes.

As a former military man I want to thank the more than 100 attorneys who provide this much needed, and much deserved service for our returning soldiers.

Minnesota has been a national leader in providing legal assistance for the poor and the needy, but much, much more can be done. This report is a good starting point for expanding our efforts in Minnesota.

Russell A. Anderson

Chief Justice Minnesota Supreme Court



ince 2003 the MSBA Military Law Committee has offered a pro bono attorney service for active duty, deployed, and returning service members and their families. This service was launched in connection with Operation Enduring LAMP, an ongoing project of the ABA Standing Committee on Legal Assistance for Military Personnel. The MSBA thanks the many volunteers who have taken cases over the past four years.

The MSBA receives case referrals from JAG officers and the general public, and posts the requests for assistance on a listserv that reaches approximately 100 volunteer attorneys and law firm pro bono coordinators. The most significant number of requests are in the areas of family law, consumer law, estate planning, guardianships (in response to injuries sustained while on duty), and employment law, although occasionally requests are made in the area of criminal law as well. Over the past six months the MSBA has been able to place approximately 75 percent of the cases. The MSBA has offered two continuing legal education seminars since initiating the program and anticipates holding another later this year. Past trainings have covered such topics as the Service Members Civil Relief Act and the Uniformed Services Employment and Re-Employment Act.

The number of requests for help is growing and it is anticipated that there will be a significant increase in calls for assistance at the end of summer 2007 when many of the Minnesota National Guard troops return home after their extended tour of duty in Iraq. Interested volunteers should contact the MSBA at 612.333.1183 or 800.882.6722.

Case in Point: Family Law

Since 2003, attorney Nicole Narotzky of Maslon Edelman Borman and Brand has volunteered with Chrysalis, assisting women who have experienced domestic violence to obtain an order for protection (OFP) as part of the Pro Bono Safety Project. In 2006 Narotzky, under the supervision of partner Laura Walvoord, took a case involving a woman who had recently arrived in the United States from the small northeastern African country of Djibouti. The client was experiencing terrible abuse from her husband. She had a young son and barely knew any English. She couldn't read or write. Isolation was a big challenge for this client. "It was frustrating for her to have a language barrier. She didn't know how to reach anyone, not even 911," says Narotzky. "She really wanted to tell me what was going on."

An advocate from Sojourner Project helped get services and shelter for the client. A Somali-speaking interpreter helped her communicate, and the team worked to obtain an OFP for the client. Narotzky was able to get child and spousal support in the first hearing, and when the husband later obtained a lawyer and moved to amend the OFP, she was able to prove through cross-examination at a second hearing that he was able to afford support for his wife and son. Heidi Rivkin, the Safety Project Attorney at Chrysalis, said the client "didn't think that anyone would believe her and then to have an attorney from a high-powered firm represent her really laid the groundwork for her to move forward." The client eventually got a divorce with assistance from legal aid and her outlook has improved significantly.

For Narotzky, who practices in the areas of general business litigation and products liability, the experience was very rewarding. "It can be scary for anyone going through the legal system, especially with the experi-



ence of abuse," she says. "It's great to make the process a little easier for them." Walvoord, who practices in corporate litigation and torts, adds that, "It's so gratifying to have a direct impact so quickly," and reminds attorneys in large law firms that pro bono cases provide a great opportunity to gain litigation experience.



"It can be scary
for anyone going
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legal system,
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of abuse"

Nicole Narotzky

Laura Walvoord

Case in Point: Asylum | Immigration

A team of Faegre & Benson lawyers and paralegals secured Special Immigrant Juvenile Status (SIJS) for a developmentally disabled young girl from Uganda who had been brought to the United States as an infant by her mother. Her mother died shortly after the child's 16th birthday, and it came to light that the mother had never secured immigration status for her child. The child was referred to the firm by Minnesota Advocates for Human Rights in 2005. She was in a disadvantaged legal position because the relative who had assumed responsibility for the child had attempted to proceed prose on this matter. In doing so he had secured a harmful court order that needed to be vacated early in the representation. The team identified a need for separate probono counsel for the relative for this phase of the case, which was provided by Molly Loussaert of Fredrikson & Byron. A significant barrier in the case was obtaining state juvenile court jurisdiction over the child, as juvenile courts in Minnesota have traditionally declined to exercise dependency jurisdiction over a child who, like the client, is living safely with a relative custodian. Using a little-known guardianship provision of the Juvenile Code, the team creatively invoked dependency jurisdiction over the child, and obtained the necessary best interest findings to include in her petition for SIJS. Faegre & Benson represented the client until she was granted SIJS in early 2007.

"This case presented a number of legal and factual challenges. We all agreed on what the best outcome for our young client should be, but to reach that point required us to navigate three separate legal systems. It was particularly rewarding to work with a team of talented and motivated colleagues to achieve such a good result for our client."

John Mandler

THE FAEGRE & BENSON TEAM

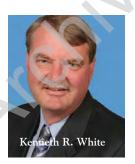
Standing l-r: John Mandler, Davina Sharik Carson, Alison Mc Elroy, Kristen Gast Seated l-r: Quynh Sperrazza, Susan Schreiner, Sarah Kilibarda Not pictured: Guy-Uriel Charles (of counsel)



Case in point: Housing

For some 23 years, Mankato attorney Kenneth Ř. White has been providing pro bono assistance to clients referred to him by Southern Minnesota Regional Legal Services (SMRLS). A solo practitioner in appellate practice and civil litigation, White has focused his pro bono work on housing, public assistance, employment law, and some appellate matters. In 2006, SMRLS Volunteer Attorney Program Coordinator Ruth Harms sent White a case involving a low-income woman in her fifties who purchased a mobile home during a sheriff's sale. The client, who earned just slightly over minimum wage, paid \$9,000 for the mobile home, and paid the back taxes and back lot rent. This was her first opportunity to own a home.

What should have been a cause for celebration quickly turned into a nightmare, when the secured lender refused to take the money the client bid on the mobile home and then threatened to evict her unless she paid \$40,000. White took the case, and after six months and close to 30 volunteer hours he was able to secure title to the client's mobile home. She only owed an additional \$500 to the lender. If White hadn't helped out, the client would have lost her home, which she shares from time to time with her adult daughter.



Both White and the client were very pleased with the outcome. Harms says White "did a fantastic job."

"I think it is part of our obligation as attorneys to step in and help, especially in the areas of the law in which we're comfortable. Economics price a lot of people out of having a lawyer." Helping low-income home owners is just one of many ways volunteer attorneys can make a big difference.

"I think it is part of our obligation as attorneys to step in and help."

Kenneth R. White

Collaborative Partners

Loan Repayment Assistance Program

LRAP is an independent nonprofit organization established in 1991 to ensure that low-income and disadvantaged individuals have access to essential legal counsel. Recognizing that low public interest salaries and high education debt prevent many new attorneys from serving these populations, LRAP offers education loan repayment assistance to public service attorneys with a demonstrated financial need. Without LRAP's assistance, these attorneys could not sustain their debt loads and other family financial obligations on public interest salaries. The average adjusted annual income for current LRAP recipients is under \$38,000, while their average education debt load is more than \$88,000. The average LRAP award of \$3,600 covered up to one-half of the recipients' annual education loan payments.

Eighty-eight percent of respondents to a survey of legal service and pro bono organizations indicated that the availability of assistance from LRAP makes a difference in their ability to hire and retain talented attorneys. Jean Lastine of Central Minnesota Legal Services explained, "The possibility of LRAP help is a key factor in a new graduate's acceptance of a position with our office. Further, with repayment of debt spread out over 20 to 30 years for most graduates, ongoing LRAP support is vital to newer employees being able to afford to stay in our program."

Thanks to financial support from law firms, the MSBA and district bar associations, the law schools, individuals, and others, LRAP is currently supporting 60 attorneys who serve low-income Minnesotans. However, the demand for loan repayment assistance exceeds LRAP's present capabilities. In the last year alone, LRAP's volume of qualified applicants increased by 36 percent, in part because legal organizations serving the disadvantaged have been able to restore staff for the first time in six years. LRAP is seeking increased funding from a variety of sources to help meet Minnesota's growing need for loan repayment assistance. lrapmn.org



Law School Clinics

Each of Minnesota's four law schools—Hamline University School of Law, University of Minnesota Law School, University of St. Thomas School of Law, and William Mitchell College of Law—provides opportunities for students to assist low-income clients while learning the practice of law. These clinic programs, along with the programs run by the Minnesota Justice Foundation, increase the resources available to address the severe unmet need for legal services for poor people, train students to become competent lawyers, and hopefully help instill in students an understanding of and commitment to their professional obligation to provide pro bono services. Some of these clinics also use volunteer lawyers, in addition to clinic faculty, to supervise and mentor the students. Information about the contributions of clinic students is contained in this report.



William Mitchell offers clinics in business law, civil advocacy, community development, criminal appeals, criminal justice, immigration, law and psychiatry, misdemeanors, and tax planning, as well as providing student staff for Legal Assistance to Minnesota Prisoners. In 2006, 171 students participated in these clinics. wmitchell.edu

The University of Minnesota Law School offers clinics in a number of areas, including civil practice, public interest, consumer protection, special education, child advocacy, Indian Child Welfare, misdemeanor defense, federal defense, domestic assault prosecution, bankruptcy,



University of St. Thomas

domestic violence, housing, immigration, worker's rights, and the Innocence Project. Along with regular and adjunct faculty, about fifteen volunteer lawyers helped supervise 250 law students in 2006. law.umn.edu/



This past year, 120 Hamline University law students participated in legal clinics in child advocacy, education, immigration, the Innocence Project, small business, state public defender practice, trial practice, employment discrimination, mediation, representation, and mediation. <a href="https://doi.org/10.1007/jan.2007/jan.

The University of St. Thomas School of Law has three legal clinics—elder law, immigration law and family law. In Fall 2007, the family law clinic will be replaced by the Community Justice Project. Sixty law students participated in the clinics in 2006. stthomas.edu/law/

Collaborative Partners

MJF

Minnesota Justice Foundation www.mnjustice.org

Minnesota Justice Foundation strives for justice by creating opportunities for law students to perform public interest and pro bono legal services. Founded in 1982 by University of Minnesota law students concerned

about the decreasing availability of legal services for low-income and disadvantaged Minnesotans, MJF has grown over the past 25 years to an eight-person staff, including staff attorneys at each of Minnesota's four law schools, a 22-member board and four active student chapters. MJF maintains partnerships with private attorneys and law firms, state and federal bar associations and more than 150 participating community organizations, poverty law centers, state government offices and legislators. MJF's programs include:

• Law School Public Service Program

Participating law students perform at least 50 hours of law-related volunteer service before completion of their degree. MJF recruits law students, places them with public interest attorneys and legal service providers to serve low-income and disadvantaged Minnesotans, monitors their performance and that of the placement agency, and coordinates training sessions for participants.

During the most recent academic year, nearly 1,100 law students devoted 27,300 hours to serving more than 10,500 clients. This remarkable achievement is equal to a year's work by 13 attorneys all focused on public interest and poverty law.

Since its adoption and implementation in the 1999-2000 academic year 1,048 law students have completed the LSPSP.

•Street Law Project

Each year 80 specially trained law students are placed in classrooms where they help over 1,000 at-risk youth understand the basic rights and responsibilities of citizenship in a democratic society and the resources available to them. The Street Law Project enhances students' moral, social, and intellectual development by:

Helping to empower students and promote personal achievement; giving disenfranchised juveniles access to legal information and resources; and instilling a sense of democracy and justice into our future community leaders.

MJF recently added a diversity pipeline outreach component to the high school curriculum in an effort to encourage more youth of color to consider the law as a viable career path.

Summer Clerkships

Since its inception in the summer of 1983, MJF has provided funding for 436 Summer Clerks who each provided 400 hours of legal service with public interest and legal service providers in Minnesota. MJF will support 22 clerks in the summer of 2007.

•Outreach to the Private Bar

Pro Bono Legal Corps is a partnership between MJF and Volunteer Lawyers Network. The project is funded by Equal Justice Works and AmeriCorps and is designed to address some of the unmet need for legal services in the low-income community by pairing law students with private practice attorneys working on probono cases.

During the 2005-2006 school year, 176 law students volunteered 4,408 hours and 428 lawyers volunteered 2,537 hours. Together, students and lawyers served 4,036 clients in need of legal services. This was an increase of 600 hours and 2,400 clients over the previous year.

From the inception of the PBLC initiative in 2003 through 2006, 11,523 clients have been served by 1,616 volunteer attorneys and 672 volunteer law students.

LawHelpMN.org

LawHelpMN.org is a free website designed specifically for low-income Minnesotans who need help with civil law problems. The site features helpful, easy-to-understand fact sheets and basic forms covering a wide variety of legal issues. Some parts of the site are offered in different languages. The site also includes information on how to find free or low-cost legal services in Minnesota.

ProJusticeMN.org

ProJusticeMN.org and LawHelpMN.org are operated by Pro Bono Net, a national non-profit organization based in New York City that works to increase access to justice. ProJusticeMN.org provides tools and resources for volunteer attorneys and offers a directory of volunteer opportunities. The portal LawHelp.org was recently named the winner of the 2007 Webby Award (the "Oscars of the Internet") for best law website. In addition to Pro Bono Net, the Minnesota websites are supported by the MSBA, Minnesota Volunteer Attorney Program, Minnesota Legal Services Coalition, and the Legal Services Corporation.

Minnesota State Bar Foundation

The Minnesota State Bar Foundation exists for the express purpose of providing monetary grants to law-related programs and activities, many of whom are listed in this report. These programs include legal assistance to the disadvantaged, improvements in the administration of justice, law-related education, and public interest legal work. During fiscal year 2005-06, the Foundation awarded 46 grants totaling \$99,750 to worthy projects in Minnesota. While many projects actually fall into more than one category, looking only at the primary purpose of the grant awards, the purposes were as follows: legal assistance to the disadvantaged 74 percent, law-related education 17 percent, and administration of justice 9 percent. Visit www.mnbar.org/foundat.htm to view a complete report of the Foundation's activities, including details about the distribution of funds to Gulf Coast bar associations, legal services, and pro bono programs through the MSBA's Katrina Relief Task Force.

The Foundation's ability to fulfill its charitable purposes depends on the generosity of its donors. MSBA members are encouraged to contribute to the Foundation through the annual check-off on the MSBA dues statement and most of the Foundation's contributions come through this source. A gift to the Foundation is a thoughtful way to commemorate the work or retirement of another lawyer. In memoriam gifts are excellent tributes. All gifts are tax deductible as charitable contributions. Contributions can be made to the Minnesota State Bar Foundation, 600 Nicollet Mall, Suite 380, Minneapolis MN 55402. For Further information, call Caroline Palmer at 612.278.6308 or 800.882.6722.

Judicial District Pro Bono Award Winners

One of the initiatives created by former MSBA president Jim Baillie was to establish permanent pro bono committees in each Minnesota judicial district. This year several of the committees, led by district court judges, named pro bono award recipients. The awards are administered by the MSBA's Legal Assistance to the Disadvantaged (LAD) Committee. The MSBA and LAD congratulate the recipients and thank each for committing time, energy and resources to providing access to justice in our state.

2006

First: Llewellyn Linde (Chair: Judge Richard G. Spicer)

Second: Thomas Sheran, Moss & Barnett, and Esther Lerman (Chairs: Judges Dale Lindman and Teresa Warner)

Third: No award given

Fourth: Ian Ball (Chairs: Judges Allen Oleisky, Marilyn B. Rosenbaum, and Mel I. Dickstein)

Fifth: Kelly Gage, Blethen, Gage & Krause (Chair: Judge Allison Krehbiel)

Sixth: Bill Thompson, Falsani, Balmer, Peterson, Quinn &

Beyer, and Patrick Roche, Trenti Law Firm

(Chair: Judge Dale A. Wolf)

Seventh: William P. Kain, Lind Kain & Scott (Chair: Judge Michael L. Kirk)

Eighth: Harry Hohman, Hohman Law Firm

Remick & Widseth (Chair: Judge John Smith)

(Chair: Judge Jon Stafsholt) Ninth: Charles Reynolds, Odland, Fitzgerald, Reynolds,

Tenth: Rhonda J. Magnussen, Black, Moore, Bumgardner, Magnussen (Chairs: Judges Robert Varco, Robert G. Rancourt, and

Krista Martin)

2007

First: Bob Goggins, Wornson & Goggins (Chair: Judge Richard G. Spicer)

Second: To be announced summer 2007 (Chairs: Judges Dale Lindman and Teresa Warner)

Third: Anthony J. Moosbrugger, Ziebell Law Office

(Chair: Judge Joseph Chase)

Fourth: Blake Shepard, Leonard, Street & Deinard (Hennepin County Bar Association)

Fifth: Daniel Gislason, Gislason & Hunter (Chair: Judge Allison Krehbiel)

Sixth: **Don Bye** (Chair: Judge Dale A. Wolf)

Seventh: **Dorraine Larison**, Gray Plant Mooty Mooty Bennett (Chair: Judge Michael L. Kirk)

Eighth: **Timothy Simonson**, Anderson, Larson, Hanson, Saunders (Chair: Judge Michael Thompson)

Ninth: Judge Robert Tiffany (Chair: Judge John Smith)

Tenth: Law firm of Smith Paulson O'Donnell and Associates (Chairs: Judges Robert Varco, Robert G. Rancourt, and Krista Martin)

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Are you interested in learning more about how you can make a difference? Contact Caroline Palmer, MSBA Pro Bono Development Director, 612.278.6308 or 800.882.MSBA(6722) or cpalmer@mnbar.org

